



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,723	03/09/2000	Sam Mazza	024/1	3713

7590 02/06/2004

GREGORY D CALDWELL
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

POON, KING Y

ART UNIT PAPER NUMBER

2624

DATE MAILED: 02/06/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Advisory Action

Application No.

09/521,723

Applicant(s)

MAZZA, SAM

Examiner

King Y. Poon

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3, 5-8 and 10-20.

Claim(s) withdrawn from consideration: _____

8. ☒ The drawing correction filed on 26 January 2004 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____



Attachment

With respect to applicant's argument (on page 7) that Kyle does not teach providing unformatted data to be converted into a format viewable by the viewer and providing a plurality of formatter together with the unformatted data portion, has been considered.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In reply: Regarding claim 1: Kageyama teaches a method of presenting data (document data, column 4, lines 45-51) to a viewing entity (print server 14, column 4, lines 52-55) having a viewer, (command processing part, 163, column 6, lines 43-47) comprising the steps of: providing unformatted data (non converted document data, that is transmitted from terminals, column 4, lines 46-51, which is to be converted, column 8, lines 11-20) to the viewing entity, (print server 14, column 4, lines 52-55) the data comprising one or more unformatted data portions (e.g., 1521, 1522, column 4, lines 55-60) to be converted into a format (the format of the common command of the document data, column 8, lines 10-20, converted from printing command) viewable (executable by the command processing part, column 8, lines 11 - 16, column 6, lines 43-47) to the viewer; providing a plurality of formatters, (command conversion programs

Art Unit: 2624

corresponding to the different printing protocols of the print data, column 8, lines 15-20, column 6, lines 32-34) each of which is capable of formatting one or more of the unformatted data portions into the format; locating the formatters by the viewer for each of the unformatted data portions (since the command conversion/interpretation is carried out by the command processing part using prepared conversion programs corresponds to different printing protocols, column 8, lines 11 -20, the command processing part must first locate the program before the command processing part can use the program; also see column 6, lines 32-50, and column 7, lines 60-65); and formatting (converted, column 8, line 14) each of the unformatted data portions (e.g., document data 1521, 1522, column 6, lines 26-35) by the located formatters (conversion program, column 8, line 17) to the format (the format of the common command, column 8, line 16; since the common command is converted from the printing command; inherently, the common command and the printing command are in different data format) viewable to the viewer (command processing part, column 8, lines 13, column 6, lines 43-47).

Kageyama does not teach the command processing part, in the first embodiment, is implemented in software. (Column 3, lines 17, specification of this application defines the viewer is implemented in software)

However, Kageyama, in column 16, lines 1-5, fifth embodiment, teaches the command processing part is preferably composed of a program/software, and the program can be used to run other program such as the character code processing program (Column 15, lines 59-68).

Since Kageyama teaches a program is used because the program can be extended/added function (extensibility, column 16, line 2; for example, command processing part is added with a character code processing functions by running a character code processing program, column 15, lines 59-68), and the command processing part, in the first embodiment of Kageyama runs another program/command conversion program in the command processing part; it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part to include: implementing the command processing part of Kageyama using software to ran the command conversion program.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part because of the following reasons: (a) it would have allowed the command processing part to be extended by the command conversion program; (b) replacing a defective hardware cost more compare to downloading software because once the software is created, it would be downloaded multiple times, while broken hardware must be replaced with new ones each time; and (c) it is much easier to update the software, such as downloading the updated software from the Internet, compares to upgrading the hardware.

Kageyama also does not teach providing,, together with the unformatted data portions, the plurality of formatters.

Kyle, in the same area of sending data, from a computer system to another computer system, to be formatted by the another computer system, teaches together

Art Unit: 2624

with the unformatted data portions, (420, fig. 4) a plurality of formatters (416, fig. 4) for formatting the unformatted data portions.

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's method of formatting data to include: providing, together with the unformatted data portions, the plurality of formatters.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's method of formatting data by the teaching of Kyle because of the following reasons: (a) it would have prevented the computer of Kageyama from "hang" when the computer doesn't have the formatter prepared for formatting the data received as taught by Kyle at column 1, lines 52-60; and (b) it would have prevented the formatter from consuming Kageyama's computer resources as taught by Kyle at column 2, lines 1-6.

With respect to applicant's argument (on page 8) that Kageyama does not teach providing unformatted data to each of the viewers and providing a plurality of formatters to convert the unformatted data to a format viewable by each of the viewer, has been considered.

In reply: Regarding claim 6: Kageyama teaches a method of presenting data (document data, column 4, lines 45-51) to a viewer (command processing part, 163, column 6, lines 43-47), comprising the steps of: providing unformatted data (non converted document data, that is transmitted from terminals, column 4, lines 46-51, which is to be converted, column 8, lines 11-20) the viewer, the unformatted data

Art Unit: 2624

including a plurality of unformatted data portions (e.g., the unconverted data 1521, 1522, column 6, lines 25-35); providing a plurality of formatters, (conversion programs, column 8, lines 10-20) each of which is capable of formatting one or more unformatted data portions (printing command in the document data, column 8, lines 10- 15) into at least one format (the format of the common command, column 8, lines 15-17; since the common command is converted from the printing command; inherently, the common command and the printing command are in different format) viewable (executable by the command processing part, column 8, lines 11 - 16, column 6, lines 43-47) to the viewer; locating (since the command conversion/interpretation is carried out by the command processing part using prepared conversion programs corresponds to different printing protocols, column 8, lines 11 -20, the command processing part must first locate the program before the command processing part can use the program; also see column 6, lines 32-50, and column 7, lines 60-65) by the viewer, for each unformatted data portion (e.g., the document data, column 8, lines 11- 16, that is to be converted) to be viewable (executable by the command processing part, column 8, lines 11- 16, column 6, lines 43-47) to the viewer, a formatter (the command conversion program corresponds to the protocol of the document data, column 8, lines 15-21, column 6, lines 32-35) capable of converting the each data portion to a format (the format of the common command, column 8, lines 14-16) viewable (executable by the command processing part, column 8, lines 11 - 16, column 6, lines 43-47) to the viewer (command processing part, column 8, line 13); formatting (converting, column 8, line 14) each unformatted data portion

(e.g., the document data, column 8, lines 11 - 16, that is to be converted) by the located formatter (the conversion program that is being used, column 8, lines 15-21).

Kageyama does not teach the command processing part, in the first embodiment, is implemented in software. (Column 3, lines 17, specification of this application defines the viewer is implemented in software)

However, Kageyama, in column 16, lines 1-5, fifth embodiment, teaches the command processing part is preferably composed of a program/software, and the program can be used to run other program such as the character code processing program (Column 15, lines 59-68).

Since Kageyama teaches a program is used because the program can be extended/added function (extensibility, column 16, line 2; for example, command processing part is added with a character code processing functions by running a character code processing program, column 15, lines 59-68), and the command processing part, in the first embodiment of Kageyama runs another program/command conversion program in the command processing part; it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part to include: implementing the command processing part of Kageyama using software to run the command conversion program.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part because of the following reasons: (a) it would have allowed the command processing part to be extended by the command conversion program; (b) replacing a defective

Art Unit: 2624

hardware cost more compare to downloading software because once the software is created, it would be downloaded multiple times, while broken hardware must be replaced with new ones each time; and (c) it is much easier to update the software, such as downloading the updated software from the Internet, compares to upgrading the hardware.

Kageyama also does not teach presenting data to a plurality of viewers such that all of the unformatted data portion can be formatted at relevant viewers.

Nagasaka, in the same area of formatting data (converting intermediate code into raster image, column 7, lines 5-10) portions (column 6, lines 59-60) using a viewer (PDL parallel processing interpreter, column 29, lines 50-52, column 5, lines 43-50) running other programs (e.g., rasterizer 212, column 7, lines 9, column 5, lines 43-45) used to format the unformatted data, (intermediate code) teaches sending data portions (intermediate code portions, column 6, lines 59-60) to a plurality of viewers (PDL parallel processing interpreter, column 6, lines 1-67, column 7, lines 1-4) such that all of the unformatted data portion (intermediate code portions) can be formatted at relevant viewers (Column 7, lines 5-15) at the same time. (Column 6, lines 25-30)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's presenting data method to include: presenting data to a plurality of viewers such that all of the unformatted data portion can be formatted at relevant viewers at the same time.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's data presenting method by the

Art Unit: 2624

teaching of Nagasaka because of the following reasons: (a) it would have allowed Kageyama's data processing to realize a high speed and high density processing, as taught by Nagasaka at column 2, lines 2, lines 18-20, especially when the viewer is implemented in software, Nagasaka, column 2, lines 5-17; and (b) it would have reduced the memory required to store the formatted data for the viewer as taught by Nagasaka at column 2, lines 20-27.

With respect to applicant's argument that (on page 9) Kageyama does not teach conversion means that are separately located from the viewer for converting the unformatted data portion into a format viewable to the viewer, has been considered.

In reply: Kageyama teaches a system (print server 14, column 5, line 17) for formatting (converting, column 8, lines 12-15) unformatted data (document data before conversion, column 8, lines 13-15) having one or more unformatted portions (document data 1521, 1522, column 6, lines 25-30) to be viewable (executable by the command processing part, column 8, lines 11-16, column 6, lines 43-47) to a viewer, (command processing part, column 8, line 13) comprising: conversion means (command conversion programs, column 8, lines 15-20, and the memory that store the command conversion means; inherently a program is located in a memory) for converting the unformatted data portions (document data before conversion, column 8, lines 13-15, e.g., document data 1521, 1522, column 6, lines 25-30) into a format (the format of the common command, column 8, lines 14-15; since the common command is converted from the printing command; inherently, the common command and the printing command are in different data format) viewable to the viewer, identifying means

Art Unit: 2624

(printing protocol discriminating means, column 5, lines 1-3) for identifying each of the unformatted data portions (column 6, lines 32-35); locating means (the command processing part identifies the printing protocol, column 5, lines 1-5, and the command conversion is carried out, in the command processing part, by using different command conversion programs corresponding to the identified printing protocol, column 8, lines 10-20; therefore, the command processing part must have a function part that locates the memory location of the memory where the program is being stored) for the viewer, by using the identifying means, (printing protocol discrimination part, column 5, lines 1-3) to locate the conversion means (command conversion programs, column 8, lines 15-20, and the memory that stores the command conversion means) for each of the data portions (document data 1521, 1522, column 6, lines 25-30).

Kageyama does not teach the command processing part, in the first embodiment, is implemented in software. (Column 3, lines 17, specification of this application defines the viewer is implemented in software)

However, Kageyama, in column 16, lines 1-5, fifth embodiment, teaches the command processing part is preferably composed of a program/software, and the program can be used to run other program such as the character code processing program (Column 15, lines 59-68).

Since Kageyama teaches a program is used because the program can be extended/added function (extensibility, column 16, line 2; for example, command processing part is added with a character code processing functions by running a character code processing program, column 15, lines 59-68), and the command

Art Unit: 2624

processing part, in the first embodiment of Kageyama runs another program/command conversion program in the command processing part; it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part, to include: implementing the command processing part of Kageyama using software to run the command conversion program.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part because of the following reasons: (a) it would have allowed the command processing part to be extended by the command conversion program; (b) replacing a defective hardware cost more compare to downloading software because once the software is created, it would be downloaded multiple times, while broken hardware must be replaced with new ones each time; and (c) it is much easier to update the software, such as downloading the updated software from the Internet, compares to upgrading the hardware.

Kageyama also does not teach the conversion means being separately located from the viewer.

However, Kageyama, fig. 4, teaches command processing programs (I 6A I - I 6A3) run by the viewer/command processing part (I 63a) are being separately located from the viewer to reduce the memory requirement of the command processing part. (Column 9, lines 10- 16, column 9, lines 40-45)

Art Unit: 2624

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part to include: the conversion means being separately located from the viewer.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kageyama's command processing part because of the following reasons: (a) it would have reduced the memory requirement for storing the command processing part/software, and (b) reduce in memory would reduce the cost of implementing the viewer.

King Yau Poon